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Measures to eliminate international terrorism

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 8 of General Assembly resolution 50/53, as read together with Assembly resolution 71/151 on measures to eliminate international terrorism. In sections II.A and B, the report contains information on measures taken at the national and international levels, based on submissions from Governments and international organizations. Section III contains a list of relevant international legal instruments.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 50/53, as read together with Assembly resolution 71/151.

2. States were requested to submit, by 1 June 2017, information on the implementation of paragraphs 10 (a) and (b) of the Declaration on Measures to Eliminate International Terrorism, and were alerted to the fact that late submissions would be included in the next reporting cycle, as appropriate. Section II.A below contains a summary of the replies received.

3. Relevant specialized agencies and other relevant international organizations were also invited to submit, by 1 June 2017, information or other pertinent material on the implementation of paragraph 10 (a) of the Declaration. Section II.B below contains a summary of the replies received.

4. The summaries of the replies focus exclusively on the matters referred to in paragraphs 10 (a) and (b) of the Declaration, namely: (a) collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing; and (b) national laws and regulations on counter-terrorism. The full texts of the replies received, including those received after 1 June 2017, may be accessed from the website of the Sixth Committee of the General Assembly.[1]

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism, and information on incidents caused by international terrorism

A. Information received from Member States

Albania

5. Albania had established bilateral cooperation agreements with many countries, including Slovakia (2015) and the 15 countries and areas that had been mentioned in the previous report (see A/71/182, para. 6).

6. Albania also referred to its comprehensive domestic legal framework concerning terrorism, and in particular recalled domestic provisions implementing the international legal framework and relevant Security Council resolutions, including those concerning the financing thereof and the recruitment of foreign terrorist fighters (ibid., paras. 7 and 8).

7. On the basis of its domestic provisions criminalizing the recruitment of foreign terrorist fighters, 13 persons had recently been identified as suspects, 9 of whom were Albanian nationals and had been arrested and prosecuted, and the other 4 of whom had been declared internationally wanted. Albania recalled its 2015 joint police operations, on which it had previously reported (ibid., para. 10).

Botswana

8. In 2014, Botswana had adopted the Counter-Terrorism Act (Act No. 24), criminalizing acts of terrorism and the financing thereof. Botswana had extended its

[1] www.un.org/en/ga/sixth.

use of the International Criminal Police Organization (INTERPOL) database to various branches of the Government, thus significantly contributing to the total number of annual searches conducted in the Automated Search Facility database of INTERPOL. It had established an anti-money-laundering/counter-financing of terrorism unit and had embarked on extensive human resources development in counter-terrorism, including training and capacity-building at the level of the police forces, defence forces and criminal enforcement authorities.

9. No prosecutions had been conducted under the Counter-Terrorism Act during the reporting period.

Cambodia

10. As a member of the Global Initiative to Combat Nuclear Terrorism and other international efforts to combat terrorism, Cambodia had been engaged in implementing relevant domestic measures, especially at ports of entry. To that end, special forces teams had been strengthened and given additional resources. Cambodia had further participated in international cooperative efforts on terrorism financing. The secretariat of the National Counter-Terrorism Committee of Cambodia had carried out and fostered participation in a large number of training activities at the domestic and international levels over the years, as well as organizing exercises aimed at strengthening response mechanisms in case of terrorist attack.

11. Several domestic provisions had been adopted over the years implementing the international framework on terrorism, including the Constitutional Law (1993), the Law on Management of Weapons, Explosives and Ammunition (2005), the Law on Counter-Terrorism (2007), the Criminal Code (2007), the Law on Chemical, Nuclear, Biological and Radiological Weapons (2009) and the National Planning Book on Counter-Terrorism (2009).

Colombia

12. Colombia had ratified 11 universal counter-terrorism instruments. It was actively involved in international cooperation with INTERPOL, the European Police Office (Europol), the Police Community of the Americas and the Latin American and Caribbean Police Intelligence Community. In particular, it participated in the Ibero-American Strategic System on Operations against Organized Crime.

13. During the period 2015-2016, the Government had authorized the terrorism-related extradition of five individuals to Bolivia (Plurinational State of), Spain and Venezuela (Bolivarian Republic of).

Cuba

14. Cuba was a party to 18 universal counter-terrorism instruments and complied strictly with the obligations arising from relevant Security Council resolutions. In the implementation of Council resolutions 1267 (1999), 1988 (2011), 1989 (2011) and 2253 (2015), the Ministry of Foreign Relations of Cuba systematically informed the Ministry of the Interior, the consulates and other competent authorities on the updates of the sanctions lists concerning terrorist organizations.

15. Cuba had signed 11 extradition treaties, 26 agreements on mutual assistance in criminal matters and 21 prisoner transfer agreements. As part of the Financial Action Task Force of Latin America, Cuba had signed 15 cooperation agreements with other countries on financial intelligence and participated in the Asset Recovery Network of the Task Force.

16. Cuba reiterated information previously provided on counter-terrorism measures taken at the national level, as well as on applicable domestic law (see A/71/182,

para. 30). In 2016, 533 reports of suspicious financial transactions had been received, a number of which had led to reports to the competent authority for the determination of potential crimes. The same year, sentences had been issued in Cuba against seven defendants (four of whom were persons of Cuban origin residing in Miami, United States of America, and three of whom were Cuban citizens residing in Cuba); those individuals had been sentenced to imprisonment for periods ranging between 1 and 15 years for the offences of the financing of terrorism and other acts of terrorism, as members of a terrorist organization based outside Cuba.

17. Cuba had been the victim of hundreds of terrorist acts, which had claimed the lives of 3,478 persons and incapacitated 2,099. Cuba reiterated as correct the decision of the United States to remove Cuba from the list of sponsors of international terrorism.

Czechia

18. In 2016, Czechia had signed the Council of Europe Convention on the Prevention of Terrorism of 2005 and the Additional Protocol thereto of 2015. Bilateral agreements with Austria and Germany had entered into force in 2016, and a bilateral agreement between the Ministry of the Interior and the Ministry of Defence of Italy had been signed in 2017.

19. Czechia had implemented Security Council resolution 2178 (2014) in its legislation. Thus, new crimes in the Criminal Code (amended by Act No. 455/2016 Sb) of participation in a terrorist group (section 312a), terrorism financing (section 312d), support and promotion of terrorism (section 312e) and threatening to commit a terrorist criminal offence (section 312f) and a definition of a terrorist group (section 129a) had entered into force on 1 February 2017. In particular, in paragraph 1 of section 129a, a terrorist group was defined as "an association of no less than three criminally liable persons, which has a permanent nature, its activities are divided among its individual members and are typically plan-based and coordinated, and such an association is focused on the commission of the criminal offence of treason committed in the form of a terrorist attack or terror (section 309), the criminal offence of a terrorist attack (section 311) or the criminal offence of terror (section 312)". In section 311, a terrorist attack is defined as one committed by "a person who intends to damage the constitutional establishment or the defensibility of Czechia, disrupt or destroy the fundamental political, economic or social structure of Czechia or international organisations, seriously intimidate the population or illegally compel the Government or another public authority or international organisation to do something, or fail to do or suffer", and consists in the carrying out of certain enumerated activities, such as performing an attack with the aim of causing death or grievous bodily harm, seizing hostages, destroying public facilities and infrastructure, disrupting the energy and water supply, hijacking means of transport, producing or acquiring weapons, causing fire or flood and other acts.

20. No incidents of international terrorism in the territory of Czechia had occurred in the relevant period. In 2017, a Czech citizen had been convicted of attempted support for and promotion of terrorism and sentenced to six years and six months of imprisonment; he had been travelling to the Syrian Arab Republic to join Islamic State in Iraq and the Levant (ISIL) and had been detained by the Turkish police at the airport in Istanbul, Turkey, in 2016.

El Salvador

21. The Special Law against Acts of Terrorism continued to be of critical importance at the domestic level, as it had facilitated the investigation, arrest and

prosecution of individuals in cases of domestic terrorist acts committed by nationals of El Salvador.

22. There had been no cases of international terrorism in El Salvador in 2016 and 2017, and no requests from other States for mutual assistance in criminal matters or for extradition in connection with terrorism-related offences had been received.

Finland

23. In December 2016, new criminal code provisions had come into effect, criminalizing travel to another country to commit a terrorist offence, as well as the financing of such travel (see A/71/182, para. 37). By virtue of those provisions and others, Finland was already largely in compliance with the European Union directive adopted in March 2017 concerning training, travel and facilitating travel for the purposes of terrorism. Similarly, the European Union directive of 2016 on the use of passenger name records was in the process of being fully implemented at the domestic level.

24. According to the Finnish Security Intelligence Service, the terrorist threat against Finland had increased and become more complex over time (ibid., para. 40). The results of pretrial investigations begun in October 2014 concerning four men suspected of terrorist offences had been referred to the Office of the Prosecutor General in November 2016. In addition, since the autumn of 2015, approximately 30 reports of terrorism-related offences had led to further investigations: 10 individuals had been detained on suspicion of terrorism-related offences and 2 were still held in prison while the local court dealt with their cases. Arrest warrants had been issued for a number of suspects believed to be in the conflict zones in Iraq or the Syrian Arab Republic. On 24 May 2017, a Finnish court had acquitted two brothers who had been accused of participating in the killing of at least 11 people in Iraq in 2014; an appeal from the prosecution was being considered.

Germany

25. Germany had cooperated in the fight against terrorism in many international forums, at the global and regional levels, as well as in the coalition efforts in Iraq against ISIL. It participated in the exchange of information on terrorist activities in the context of the European Union and INTERPOL.

26. As part of its domestic framework on terrorism, Germany had adopted a national strategy on terrorism in July 2016 and had carried out various prevention and deradicalization programmes. It had recently added a section 89 (c) to the Criminal Code in order to capture all forms of terrorist financing in implementation of the relevant Security Council resolutions and standards of the Financial Action Task Force on money-laundering and terrorist financing. Furthermore, European Union law implementing the Al-Qaida and Taliban sanctions regimes was directly applicable in Germany. In mid-2015, Germany had amended its domestic law governing terrorist offences in implementation of Council resolution 2178 (2014), thus adding various provisions to its Criminal Code, such as travelling with terrorist intent and the financing of terrorism. In addition, Germany had implemented measures concerning identity cards that had the effect of preventing the travel of certain individuals outside of Germany. Other relevant provisions of domestic law included an act from 2006 setting up a common standardized counter-terrorism database at the Federal Criminal Police Office, an act from 2009 concerning terrorism prevention, an act from 2015 introducing an obligation to store data records and an act to restrict the privacy of correspondence, post and telecommunications. In June 2016, a federal Government anti-terror package had

been adopted by the parliament, streamlining and amending previous legislation and enhancing certain provisions thereof.

27. Germany recalled the terrorist attacks on a train near Würzburg on 18 July 2016, at a music festival in Ansbach on 24 July 2016 and at a Christmas market in Berlin on 19 December 2016, in which 12 people had died and 50 had been injured.

Greece

28. Greece had ratified the Council of Europe Convention on Cybercrime of 2001 and the Additional Protocol thereto of 2003 concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

29. Security Council resolutions imposing international sanctions concerning terrorism were promptly forwarded to all domestic authorities tasked with their implementation by virtue of domestic Law No. 3691/2008. Greece also continued to cooperate with international, regional and other States' police authorities on terrorism-related issues.

30. In 2016, five individuals had been arrested in Greece for reasons associated with terrorism. Two of them had been placed under preventive custody for illegal possession of weapons; one had been the subject of an administrative expulsion to his country of origin; another had been sentenced to 38 months' imprisonment for illegal entry into Greece. In those four cases, an alert had been issued pursuant to applicable European Union law (articles 36 (2) and (3) of decision 2007/533/JHA of the Council of the European Union on the establishment, operation and use of the second generation Schengen Information System). The remaining person was arrested by virtue of a European Arrest Warrant.

Indonesia

31. Indonesia was a party to eight international instruments on counter-terrorism and was active in cooperation at the international and regional levels, as previously reported (see A/70/211, paras. 36-42). In particular, Indonesia highlighted its role as Co-Chair of the Detention and Reintegration Working Group of the Global Counterterrorism Forum for the period 2014-2016 and 2016-2017, as well as in promoting international and regional forums for international cooperation by, inter alia, hosting a number of related intergovernmental meetings, workshops and capacity-building initiatives.

32. Indonesia had signed memorandums of understanding on counter-terrorism cooperation with 13 countries, as well as treaties on mutual legal assistance and extradition with several jurisdictions. In addition, it had signed memorandums of understanding with 52 financial intelligence units around the world in order to strengthen its anti-money-laundering capabilities.

Lebanon

33. Lebanon had continued its cooperation with other States to strengthen border security and counter terrorism by, inter alia, circulating and implementing INTERPOL notices, exchanging information with partners and acting upon verified and confirmed information provided by security agencies of other States.

34. The Directorate General of the Internal Security Forces had adopted a range of political and legal measures. Furthermore, Lebanon recalled that its Law No. 44 on combating money-laundering and the financing of terrorism had been enacted on 24 November 2015. A special investigation commission had been established at the Bank of Lebanon, and the National Coordinating Committee to Combat the Financing of Terrorism, established under Council of Ministers decision No. 106

(2007), had put in place a mechanism for the implementation of the Security Council sanctions regimes. Security agencies had been successful in dismantling and neutralizing dozens of active or sleeper terrorist cells, as well as stemming the influx of foreign terrorists into Lebanon and dismantling and arresting several networks that had been recruiting Lebanese youths and sending them to the Syrian Arab Republic and Iraq to join either ISIL or Jabhat Fath al-Sham.

35. The Directorate General of Lebanese General Security was engaged in a series of security control measures, including the monitoring and control of border crossings, security investigations and preventive and operational measures. They included making sure that persons known to have participated in terrorist activities or incited terrorism were denied entry into the country, issuing orders to report the movements of suspects, arresting those travelling with false documents and carrying out investigations and operational activities as needed. They also included thorough procedures to identify suspected foreign terrorists before granting any form of temporary or permanent residence permit, including naturalization, and to ensure that terrorists were not sheltered by groups under direct State surveillance.

Malta

36. Malta had been a party to the 1977 European Convention on the Suppression of Terrorism since 1978. Between 1999 and 2013, it had concluded 15 bilateral agreements and memorandums of understanding relevant to the fight against terrorism. Of those, the ones with China (2009), Croatia (2010), Cyprus (two agreements in 1999), Georgia (2011), Greece (2001), Latvia (2008), Slovakia (2000), Slovenia (2003), Tunisia (2001), Turkey (1999), the United Kingdom of Great Britain and Northern Ireland (2013) and the United States of America (2008) were already in force, while the ones with Ireland (2009) and Saudi Arabia (2012) were not yet in force.

Mauritius

37. Mauritius was engaged in bilateral, regional and transnational cooperation in the fight against terrorism, including with the African Centre for the Study and Research on Terrorism, the United Nations Office on Drugs and Crime, the Federal Bureau of Investigation of the United States of America, the Southern African Development Community and the Indian Ocean Commission.

38. In relation to Security Council resolution 1373 (2001), domestic provisions had been adopted to criminalize activities related to terrorism, except for paragraph 1 (c), concerning the freezing of assets and funds of international terrorists; new provisions in that regard were currently being considered. In addition, several relevant domestic laws had been passed over time, including the Combating of Trafficking in Persons Act, 2009; the Dangerous Drugs Act, 2002; the Prevention of Terrorism Act, 2002; the Prevention of Terrorism (Amendment) Act, 2016; the Financial Intelligence and Anti-Money-Laundering Act, 2002; the Convention for the Suppression of the Financing of Terrorism Act, 2003; the Biological and Toxin Weapons Convention Act, 2004; the Mutual Assistance in Criminal and Related Matters Act, 2003; and the Extradition Treaty Acts 20 and 21 of 1970.

Netherlands

39. The Netherlands was fully committed to international cooperation in the fight against terrorism, for example by sponsoring relevant Security Council resolutions, such as resolution 2354 (2017), and by co-chairing the Global Counterterrorism Forum, including its Working Group on Foreign Terrorist Fighters. At the European Union level, it had participated in relevant strategic and legal decisions.

40. The Netherlands had adopted a national counter-terrorism strategy for 2016-2020, which brought together government departments in a joint approach based on assessing the terrorist threat through intelligence, preventing terrorism by early interventions, protecting and preparing in case of terrorist events and prosecuting terrorists. In particular, a comprehensive action programme to combat violent extremism had been adopted in 2014, focusing on a multidisciplinary approach with so-called case management teams, whose task was to reduce risk and further radicalization with tailor-made intervention plans involving multiple government entities.

41. An amendment to the Netherlands nationality law had entered into force in March 2016. It expanded the possibilities for revoking Netherlands citizenship in individual cases in which the person concerned had dual nationality and had been (irrevocably) convicted for (the preparation of) a terrorist offence. Another amendment provided the relevant authorities with the legal power to revoke Netherlands nationality in specific cases and within strict conditions when a person had joined a (terrorist) organization that participated in an armed conflict and had been placed on a list of organizations posing a threat to national security, if that person were outside the Netherlands, had dual nationality and posed a threat to national security. In both cases, the person had legal recourse against the decision. In addition to those measures, the Interim Act for Administrative Measures to Combat Terrorism had been adopted. The Act introduced, among other things, the option to apply temporary restrictive measures (an exclusion order, a restraining order and/or a duty to report) to persons who, on the basis of their conduct, might be linked to supporting or committing terrorist activities. A travel ban could be imposed when there was reasonable suspicion that a person would travel abroad to join a terrorist organization that had been placed on the list of organizations that posed a threat to national security. To support the travel ban, the Passport Act had also been amended.

Panama

42. Panama had ratified 19 universal and regional counter-terrorism instruments. It continued to be actively engaged in international and regional efforts, including by implementing specific provisions of domestic law, as detailed previously (see A/70/211, paras. 58-62). In addition, by Executive Decree No. 324 of 19 July 2016, standards for the development of national lists for the purpose of combating terrorism and terrorism financing had been established in accordance with Security Council resolution 1373 (2001). At the request of another State and pursuant to the resolution, Panama had included in its national list four individuals associated with terrorist movements, and would impose freezing measures on them should any assets be acquired in Panama. No judicial proceedings concerning terrorism were open at the time of reporting.

Poland

43. Poland was a party to 13 universal counter-terrorism instruments, as well as to the Council of Europe Convention on the Prevention of Terrorism and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, of 2005, and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism of 2015. It had also been a party to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990.

44. Between 1992 and 2014, it had concluded 42 bilateral agreements and memorandums of understanding relevant to the fight against terrorism, namely, with Armenia (2004), Austria (2002), Azerbaijan (2008), Belarus (2003), Belgium (2000),

Brazil (2006), Bulgaria (2002), Chile (2006), Croatia (2010), Cyprus (2005), Czechia (2006), Egypt (1996), Estonia (2003), Finland (1999), France (1996), Georgia (2007), Germany (2014), Greece (1993), Hungary (1996), India (2003), Indonesia (2005), Ireland (2001), Italy (2007), Kazakhstan (2002), Latvia (1994), Lithuania (2006), Mexico (2002), the Netherlands (2001), the Republic of Moldova (2003), Romania (2001), the Russian Federation (1992), Saudi Arabia (2007), Slovakia (2004), Spain (2000), Sweden (2005), Tajikistan (2003), the former Yugoslav Republic of Macedonia (2008), Turkey (2003), Ukraine (1999), the United Kingdom of Great Britain and Northern Ireland (1997), Uzbekistan (2002) and Viet Nam (2003).

45. The Polish legal framework concerning terrorism encompassed provisions in the Penal Code, the Act on emergency management of 2007 (as amended in 2013), the Act on counteracting money-laundering and terrorist financing of 2000 (as amended in 2016) and the Act on counterterrorist activities of 2016, as well as procedural norms, such as those in the Police Act of 1990 (as amended in 2016), the Law on the Border Guard of 1990 (as amended in 2016) and the Act on the Internal Security Agency and the Intelligence Agency of 2002 (as amended in 2016). In particular, article 115 (20) of the Penal Code defined an offence of a terrorist character as any act or threat of committing an act punishable by the penalty of deprivation of liberty whose upper limit was at least five years, committed to seriously intimidate many people, force the public authority of Poland, another State or an organ of an international organization to take or discontinue certain activities and cause serious disturbances in the political system or economy of Poland, other State or international organization. In addition, several provisions of the Penal Code reflected the obligation to criminalize certain acts enshrined in universal counter-terrorism instruments (articles 120, 121, 136, 148, 156, 160, 163-167, 173, 174, 190, 252, 255a, 258, 259a, 269 and 288). Moreover, the Act on counterterrorist activities of 2016 implemented Security Council resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism by introducing the offences of participation in terrorism training and of crossing the border of Poland in order to commit terrorism-related offences. In relation to terrorism financing, collective entities could also be liable for a terrorist financing offence if natural persons acted, inter alia, in the name or on behalf of such collective entities or under their authority or orders. Furthermore, domestic provisions had been introduced concerning the compensation of victims of terrorism.

46. In 2015, out of 260,034 total criminal convictions in Poland, 338 concerned terrorism-related offences proscribed by either article 165a or 258 of the Penal Code or article 35 of the Act on counteracting money-laundering and terrorist financing of 2000. In 2016, 43 criminal proceedings had been instigated in cases related to terrorism offences, as provided for in article 115 of the Penal Code; 16 persons had been charged, and indictments had been brought against 8; a total of five convictions ensued. Also in 2016, four criminal proceedings had been instigated in cases related to terrorism financing and one indictment had been brought against four persons.

Romania

47. Romania was a party to 16 universal counter-terrorism instruments and to 15 other instruments related to terrorism and international cooperation in criminal matters. In particular, in 2016, it had signed the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism of 2015, and it had become a member of the Public Key Directory of the International Civil Aviation Organization.

48. By virtue of its membership in the European Union, the provisions of that legal order relevant to counter-terrorism were binding upon Romania, including European Union directive No. 2016/681 on the use of passenger name record data

(which it was working to transpose into its national law) and directive No. 2017/541, which set out a common legal framework for all member States and a harmonized definition of terrorist offences. Romania had also concluded a number of bilateral agreements relevant to the fight against international terrorism.

49. Law No. 535/2004 on preventing and countering terrorism, as subsequently amended, regulated national activities in that field. It criminalized a series of acts assimilated to terrorist acts, such as recruitment for the purpose of committing terrorist acts and association for a terrorist purpose, financing of terrorism, incitement to terrorism and terrorist propaganda, alarming without a justified reason and threatening for a terrorist purpose. In addition, the Law provided for specific preventive measures in relation to foreign citizens and stateless persons suspected of intending to carry out terrorist acts, including the possibility of expulsion to the country of origin or residence. Since 2016, in compliance with Security Council resolution 2178 (2014), the Law, as amended, also criminalizes the attempt to travel to a State other than the State of residence or nationality for the purpose of perpetrating, planning, preparing or participating in terrorist acts or for providing and receiving terrorist training, or supporting, in any way, terrorist entities. Law No. 535/2004 also set up the National System for Preventing and Combating Terrorism as a platform for cooperation and coordination.

50. No terrorist incident had taken place in Romania, but Romanian citizens had been among the victims of terrorist attacks that had hit Europe in recent years. In 2015, a denial of entry to Romania had been enforced upon 336 individuals who had been assessed as posing a terrorist risk. In the same period, the Court of Appeal of Bucharest had declared 10 foreign citizens undesirable as they had been assessed as a threat to national security owing to their terrorist links. They had been expelled from Romania.

Serbia

51. Serbia was a party to 15 universal and 6 regional counter-terrorism instruments, 8 bilateral agreements and various inter-agency agreements, as discussed in the previous report, which also contained information about the domestic legal framework and the extensive international and regional cooperation efforts (see A/71/182, paras. 55-58). In particular, Serbia highlighted its established cooperation with Europol and the joint investigation team established in the light of the Police Cooperation Convention for Southeast Europe, and a number of bilateral exchanges of information with the security services of Austria, Germany, Italy, Romania and Turkey. Furthermore, a joint court proceeding was currently under way against seven Serbian citizens for the criminal offences of terrorist association and other criminal offences linked to terrorism; three persons were being tried in absentia.

Slovenia

52. By virtue of its membership in the European Union, Slovenia had been involved in the drafting and domestic implementation of relevant European Union law, including the anti-money-laundering directive implementing the *International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation* of the Financial Action Task Force, regulation No. 1889/2005 on controls of cash entering or leaving the Community and regulation No. 116/2009 on the export of cultural goods. In 2016, the new Prevention of Money Laundering and Terrorist Financing Act had been adopted in Slovenia, which, inter alia, lowered the statutory limit for reporting cash transactions to the Ministry of Finance to €15,000, introduced further monitoring duties for financial institutions, including in terms of identification of the real owners of assets, and enhanced the powers of the Ministry of Finance to temporarily suspend transactions. Slovenia had also adopted

implementing measures aiming at curbing the travel of foreign terrorist fighters, including provisions in 2015 concerning the refusal of travel documents.

53. Article 108 of the Criminal Code proscribed terrorism as an act carried out with the intention to destroy or severely jeopardize the constitutional, social or political foundations of Slovenia, another country or an international organization, to arouse fright among the population or to force the Government of Slovenia, another country or an international organization to perform or stop performing something. To qualify as terrorism, the act in question must consist of one of the following: an assault on life or body or human rights and freedoms; taking hostages; considerable destruction of State or public buildings or representations of foreign States, the transport system, infrastructure, the information system, secured platforms in the continental shelf, a public place or private property; hijacking of an aircraft, ship or public transport; production, possession, purchase, transport, supply or use of weapons, explosives or nuclear, biological or chemical weapons; research and development of nuclear, biological or chemical weapons; endangering security by releasing hazardous substances or causing fires, floods or explosions; or the disturbance or termination of supply of water, electrical energy or other basic natural resources, which could endanger human life. The use of nuclear or radioactive substances, the death of one or more individuals, participation in a criminal organization or group and aiding or assisting in the preparation of a terrorist act were also proscribed in the same article. In addition, articles 109-111 of the Criminal Code criminalized the financing of terrorist activities, incitement and public glorification of terrorist activities, and conscripting and training for terrorist activities, respectively.

54. In 2016, the Ministry of Finance had received 14 reports from financial institutions concerning financial transactions, funds and individuals who could be linked to terrorism financing, an increase from the average of four reports per year between 2010 and 2015. As a result of those 14 reports, nine notifications had been submitted to competent authorities because of reasonable grounds for the suspicion of a criminal offence.

Sweden

55. Sweden had ratified 16 universal counter-terrorism instruments. It had also signed 18 relevant Council of Europe instruments and had ratified 12 of them.

56. In December 2016 and February 2017, a Swedish court of appeal and a district court had acquitted two individuals accused of terrorism-related offences: one person had been prosecuted for travelling to the Syrian Arab Republic for the purpose of committing a terrorist offence, and the other had been prosecuted for providing instructions to be used for devastation endangering the public in the Syrian Arab Republic. In addition, in February 2017, one individual had been sentenced by a Swedish district court to six months of imprisonment for public provocation to finance a terrorist offence; the judgment has been appealed.

Switzerland

57. Switzerland reiterated information concerning its ratification of international and regional instruments, as reported previously (see A/71/182/Add.2, para. 1). It also reiterated the changes in the national law on intelligence services, which would come into effect in the autumn of 2017 (ibid., para. 2), and announced a forthcoming general amendment to the law on mail and telecommunications surveillance.

58. In addition to the incidents reported in 2016 (ibid., para. 3), two Swiss citizens and one Swiss resident had lost their lives and 10 had been injured in the attacks in

Nice, France, of 14 July 2016. In December 2016, a French citizen working in humanitarian assistance for a Swiss organization had been kidnapped in Mali.

59. In 2016, financial intermediaries had communicated 25 cases of presumed financing of terrorism to the competent authorities on money-laundering, a decrease from the previous year. Seven of the 25 communications had led to transmission to the competent authorities for criminal prosecution. While five cases had already been the object of a decision by the prosecuting authorities not to proceed any further, the others were still being evaluated.

60. In 2016, the Swiss federal police had investigated more than 60 persons in relation to terrorist activities. Of those, more than 40 were the object of investigations concerning the travel of foreign terrorist fighters. The federal prosecution service had issued criminal orders against many individuals concerning terrorist propaganda. Two Swiss citizens had been the object of a criminal procedure for travelling towards zones of conflict in order to join a terrorist organization, and had been detained on their return and later put under surveillance. The investigation mentioned in the previous report concerning individuals suspected of supporting an ethnonationalist group had formally concluded in 2016 and the trial was set to begin in 2018 (ibid., para. 5). The conviction of three Iraqi citizens in March 2016 for having supported and participated in a criminal organization, under article 260 *ter* of the Swiss Criminal Code, by forming an ISIL cell operating in Switzerland, had been partially quashed upon appeal in March 2017, and the three suspects had been freed, although they were still the object of administrative surveillance measures and had been ordered to leave the country (ibid., para. 6). In July 2016, a Swiss citizen had been convicted, with a suspended sentence of 18 months, of attempting to join a terrorist organization; the person in question would undergo a three-year probation period during which a number of conduct requirements would need to be met.

61. In 2016 and as of May 2017, 23 requests for judicial cooperation in relation to terrorism had been received, 8 of which had been executed or partially executed. In the same period, Swiss authorities had sent 24 requests for judicial cooperation to other countries, 6 of which had been executed. Switzerland had also received several extradition requests, some of which had been complied with.

Ukraine

62. In order to curb the phenomenon of foreign terrorist fighters, the Security Service had denied entry into Ukraine of over 949 ISIL supporters since the beginning of 2015 (481 individuals since the beginning of 2016). During 2015 and 2016, the Security Service, acting in cooperation with partner intelligence services, had exposed and localized the activity of four ISIL transnational logistics networks operating in Ukraine, which had been engaged in searching for, recruiting, training, financing and transporting fighters. Seventeen "transfer points" used for the temporary accommodation of foreign terrorist fighters had been dismantled, and over 60 members and supporters of ISIL, some of whom were on INTERPOL lists, had been discovered. In addition, firearms, ammunition, grenades, explosives and improvised explosive devices had been seized along with other equipment and data storage units. During the same period, nine foreign nationals had been charged with terrorism crimes related to ISIL under articles 255 and 263 of the Criminal Code of Ukraine. In addition, the indictment of three ISIL members suspected of committing crimes under articles 258-3, 258-5, 263 and 358 of the Criminal Code were directed to court, while pretrial investigations were continuing in other cases.

B. Information received from international organizations

International Maritime Organization

63. As at 1 June 2017, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation had 166 contracting parties, while the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf had 156. The Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation had 41 contracting States, and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf had 35. Chapter XI-2 of the annex to the International Convention for the Safety of Life at Sea, 1974, as amended, was also of relevance, as was part A of the International Ship and Port Facility Security Code, adopted in 2002; the Convention had 163 States parties representing more than 99 per cent of the gross tonnage of the world's merchant fleet (see A/71/182, paras. 75 and 76).

64. In January 2017, the signatory States to the Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden, developed under the auspices of the International Maritime Organization, adopted the Jeddah Amendment to the Code of Conduct, which expanded the scope of the original counter-piracy Code to address maritime terrorism, illicit maritime activity and maritime governance in general.

United Nations Educational, Scientific and Cultural Organization

65. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reiterated in detail the multifaceted aspects of its work relevant to counter-terrorism (see A/71/182, paras. 78-82). In addition, UNESCO highlighted Security Council resolution 2347 (2017), on the protection of cultural heritage in the event of armed conflict, in which the Council had welcomed the central role of UNESCO in protecting cultural heritage. In 2017, UNESCO had organized a series of capacity-building seminars for education stakeholders in Africa, as well as capacity-building activities in Albania, Iraq, Jordan and Kazakhstan, among others. UNESCO had also developed several partnerships with different actors at various levels in order to strengthen cooperation and build networks in the fight against terrorism through education and culture. For example, in 2016, the first International Conference on the Prevention of Violent Extremism through Education: Taking Action was co-organized in India. Furthermore, the second International Conference on Youth Volunteering and Dialogue, entitled "Preventing violent extremism and strengthening social inclusion", will be held in Paris in September 2017.

Universal Postal Union

66. The Universal Postal Union (UPU) was actively involved in a number of initiatives aimed at minimizing risks to exploit the global postal supply chain. Together with other stakeholders, including the International Civil Aviation Organization, the International Air Transport Association and the World Customs Organization, UPU contributed to a number of working groups focused on deterring, detecting and mitigating explosive or incendiary attacks on the aviation sector. UPU also provided significant support to member countries for processes designed to facilitate risk assessments of mail at the earliest possible point within the postal mail stream. In addition, UPU had distributed vital information intended to safeguard designated postal operators against chemical, biological, radiological and explosive threats. Furthermore, UPU compiled best practices in postal security, including with regard to terrorism, and shared information through training materials for member

countries. The UPU Postal Security Group, comprising postal operators from around the world, met regularly to discuss evolving terror threats and countermeasures.

European Union

67. The European Union had adopted various policy and strategy decisions concerning the fight against terrorism, including the 2005 European Union Counter-Terrorism Strategy and the 2016 Global Strategy for Foreign and Security Policy. A new Security Union portfolio had been established within the European Commission.

68. Among the internal measures adopted, the European Union highlighted the sharing of information and international cooperation, the activities of external border control, the prevention of the free movement of firearms and explosives, the activities aimed at countering terrorism financing and the securing of electronic evidence for criminal proceedings. In that regard, the European Union described the role of its institutions, including the European Border and Coast Guard (Frontex), Eurojust and the European Counter-Terrorism Centre of Europol. Various tools and methods were also mentioned, such as the European Criminal Records Information System, the False and Authentic Documents Online database, the European Union Bomb Data System, the Europol Platform for Experts, the European Union-United States of America Terrorist Financing Tracking Programme and the Financial Intelligence Units computer network (FIU.net).

69. The European Union also highlighted its efforts in the prevention of radicalization, including through the Radicalization Awareness Network Centre of Excellence, the European Union Internet Forum and the European Union Internet Referral Unit, as well as the adoption by the Council of the European Union of conclusions on the prevention of radicalization leading to violent extremism in November 2016.

70. Among the external measures taken, the European Union highlighted the activities of the Counter-Terrorism Division of the European External Action Service and continued cooperation at the bilateral, regional and multilateral levels. In October 2016, a consortium of member States and the European Union had signed a long-term programme aimed at assisting countries in the Middle East and North Africa to operationalize and implement counter-terrorism actions agreed at the political level. Other projects concerned, inter alia, the western Balkans, the Mediterranean area, the Sahel and the Horn of Africa. The European Union was also involved in the coalition against ISIL and in other multilateral efforts at the international level, including work through the Financial Action Task Force.

71. Council decision No. 2011/487 implemented in the legal order of the European Union the framework arising from Security Council resolutions on terrorism-related sanctions. In addition, autonomous European Union sanctions against persons, groups and entities involved in terrorist acts had been adopted. In 2016, a directive on network and information security had been adopted, which laid down measures with a view to achieving a high common level of security of network and information systems within the European Union so as to improve the functioning of the internal market.

72. Several terrorist attacks had occurred in Europe in 2015 and 2016. Eurojust had been requested to assist States in a number of complex cross-border counter-terrorism cases: there had been 47 such cases in 2016 to September, 41 in 2015 and 14 in 2014. In addition, Eurojust provided assistance to joint investigative teams established by States, three of which had operated in 2016. Eurojust had also received information on ongoing terrorism-related prosecutions and convictions (113 ongoing cases and 65 concluded court cases in the period from January to September 2016). More than 33,900 intelligence leads had been provided by the

European Union-United States Terrorist Financing Tracking Programme since its establishment in 2010. As of October 2016, 15,421 referrals of relevant Internet content had been identified by the European Union Internet Referral Unit for removal by social media and respective online service providers; 88.9 per cent of those decisions for referral had been successful.

Collective Security Treaty Organization

73. The legal basis for collective action on counter-terrorism of member States of the Collective Security Treaty Organization was enshrined in a number of international agreements adopted under the auspices of the organization and in decisions adopted by the Council on Collective Security of the organization.

74. A collective security strategy for the period 2016-2025 had been adopted in October 2016 by the Council on Collective Security.

75. In October 2016, the Council on Collective Security had adopted regulations on the establishment of a single list of organizations designated as terrorist organizations by the Collective Security Treaty Organization and a package of legal and administrative measures aimed at improving the coordination of the efforts of member States concerning terrorism.

Council of Europe

76. The new Council of Europe Convention on Offences relating to Cultural Property had been adopted in May 2017 and was open for signature. It aimed to prevent and combat the illicit trafficking and destruction of cultural property, in the framework of action by the Council of Europe to fight terrorism and organized crime. Furthermore, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism of 2015 would enter into force on 1 July 2017.

77. In May 2017, the Committee of Ministers of the Council of Europe had welcomed the implementation of the 2015 action plan of the Council on the fight against violent extremism and radicalization leading to terrorism; on the same occasion, the Committee had adopted guidelines on the protection of victims of terrorist acts. In 2016, the Committee had adopted guidelines on how to prevent violence, extremism and radicalization in prisons.

Organization of American States

78. As at 10 May 2017, the Inter-American Convention against Terrorism of 2002 had been signed by 33 member States of the Organization of American States and had been ratified by 24. The secretariat of the Inter-American Committee against Terrorism had undertaken significant outreach efforts to encourage member States to ratify the Convention and fully implement its provisions.

79. The Inter-American Committee against Terrorism had held its sixteenth regular period of sessions in February 2016. In addition, the secretariat had provided technical assistance and training courses in 2016 in the areas of cybersecurity and critical infrastructure, border controls, preventing the financing of terrorism and supporting the implementation of Security Council resolution 1540 (2004). The secretariat had also provided legislative assistance to member States.

Organization for Security and Cooperation in Europe

80. The Organization for Security and Cooperation in Europe (OSCE) Consolidated Framework for the Fight against Terrorism of 2012 reiterated the organization's comprehensive approach in the fight against terrorism and identified strategic areas of focus for its counter-terrorism efforts. The programmes undertaken by the

organization were aimed at, among other things: promoting the international legal framework against terrorism and facilitating cooperation in related criminal matters; supporting the strengthening of security of travel documents and of their issuance processes in line with international standards; preventing and countering violent extremism and radicalization that led to terrorism; countering the use of the Internet for terrorist purposes; promoting dialogue and cooperation in addressing counter-terrorism issues, in particular through public-private partnerships; supporting the implementation of the United Nations Global Counter-Terrorism Strategy, including in relation to human rights; and combating money-laundering and the financing of terrorism.

81. In 2016, the declaration on strengthening OSCE efforts to prevent and counter terrorism (MC.DOC/1/16) and decision No. 6/16 concerning the use of advance passenger information in identifying foreign terrorist fighters (MC.DEC/6/16) had been adopted by the OSCE Ministerial Council. In the latter, States had affirmed their commitment to the implementation of Security Council resolutions 2178 (2014) and 2309 (2016).

III. International legal instruments relating to the prevention and suppression of international terrorism

82. Currently, there are 52 instruments pertaining to international terrorism. Of those, 19 are universal and 33 are regional.

A. Universal instruments

United Nations

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973

International Convention against the Taking of Hostages, 1979

International Convention for the Suppression of Terrorist Bombings, 1997

International Convention for the Suppression of the Financing of Terrorism, 1999

International Convention for the Suppression of Acts of Nuclear Terrorism, 2005

International Atomic Energy Agency

Convention on the Physical Protection of Nuclear Material, 1979

Amendment to the Convention on the Physical Protection of Nuclear Material, 2005

International Civil Aviation Organization

Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963

Convention for the Suppression of Unlawful Seizure of Aircraft, 1970

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, 2010

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988

Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 2014

International Maritime Organization

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988

Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988

Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

B. Regional instruments

African Union

Organization of African Unity Convention on the Prevention and Combating of Terrorism, 1999

Protocol of 2004 to the Convention on the Prevention and Combating of Terrorism

Association of Southeast Asian Nations

Association of Southeast Asian Nations Convention on Counter-Terrorism, 2007

Central African Economic and Monetary Community

Regulation No. 08/05-UEAC-057-CM-13 on the adoption of the Convention on the fight against terrorism in Central Africa, 2005

Collective Security Treaty Organization

Agreement on collective forces of rapid response of the Collective Security Treaty Organization, 2009

Commonwealth of Independent States

Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, 1999

Protocol of 2002 approving the procedure for organizing and conducting joint counter-terrorism activities in the States members of the Commonwealth of Independent States, 2002

Treaty of States Members of the Commonwealth of Independent States on Combating the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism, 2007

Cooperation Council for the Arab States of the Gulf

Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, 2004

Council of Europe

European Convention on the Suppression of Terrorism, 1977

Protocol amending the European Convention on the Suppression of Terrorism, 2003

Council of Europe Convention on the Prevention of Terrorism, 2005

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2005

Additional Protocol of 2015 to the Council of Europe Convention on the Prevention of Terrorism

Council of Europe Convention on Offences relating to Cultural Property, 2017

Eurasian Group on Combating Money-Laundering and Financing of Terrorism

Agreement on the Eurasian Group on Combating Money-Laundering and Financing of Terrorism, 2011

European Union

Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration, 2005

League of Arab States

Arab Convention on the Suppression of Terrorism, 1998

Amendment of 2008 to the Arab Convention on the Suppression of Terrorism

Arab Convention on Combating Money-Laundering and the Financing of Terrorism, 2010

Organization of American States

Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, 1971

Inter-American Convention against Terrorism, 2002

Organization of the Black Sea Economic Cooperation

Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, 2004

Organization of Islamic Cooperation

Convention of the Organization of the Islamic Conference on Combating International Terrorism, 1999

Shanghai Cooperation Organization

Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2001

Agreement on the procedure for organizing and conducting joint anti-terrorist measures in the territory of the States members of the Shanghai Cooperation Organization, 2006

Agreement on cooperation in identifying and blocking the entry routes to Shanghai Cooperation Organization member States of persons involved in terrorist, separatist and extremist activities, 2006

Agreement on the procedure for organizing and conducting joint counter-terrorism exercises by Shanghai Cooperation Organization member States, 2008

Agreement on cooperation among the Governments of the Shanghai Cooperation Organization member States in combating the illicit traffic in weapons, ammunition and explosives, 2008

Agreement on training for counter-terrorism units of the Shanghai Cooperation Organization member States, along with a number of other legal and regulatory instruments, 2009

Shanghai Cooperation Organization Convention against Terrorism, 2009

South Asian Association for Regional Cooperation

South Asian Association for Regional Cooperation Regional Convention on Suppression of Terrorism, 1987

Additional Protocol of 2004 to the Regional Convention on Suppression of Terrorism

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The scope and application of the principle of universal jurisdiction

The scope and application of the principle of universal jurisdiction

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 71/149, by which the Assembly requested the Secretary-General to prepare a report on the basis of information and observations received from Member States and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and their national legal rules and judicial practice.

* A/72/50.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 71/149. It reflects comments and observations received since the issuance of the report of 2016 (A/71/111) and should be read together with that and prior reports (A/65/181, A/66/93 and Add.1, A/67/116, A/68/113, A/69/174 and A/70/125).

2. In accordance with resolution 71/149, section II of the present report, together with tables 1 to 3, focuses on specific information regarding the scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice. Information received from observers is provided in section III, and section IV contains a synopsis of issues raised by Governments for possible discussion.

3. Responses were received from Australia, Austria, El Salvador, Finland, Germany, Senegal, Togo and Ukraine.

4. Responses were also received from the Council of Europe, the International Committee of the Red Cross and the United Nations Environment Programme.

5. The complete submissions are available from the website of the Sixth Committee of the General Assembly.

II. Scope and application of universal jurisdiction on the basis of the relevant domestic legal rules, applicable international treaties and judicial practice: comments by Governments

A. Basic legal rules

1. Constitutional and other domestic legal frameworks[1]

Australia[2]

6. Australia reiterated its implementation of the principle in Australian law, separated into offences grouped into: (a) genocide, crimes against humanity, war crimes and torture offences; (b) slavery offences; and (c) piracy and other acts of violence at sea. Australia reiterated that in relation to all of the above offences, the general principles of Australian law relating to individual criminal responsibility apply.

Austria[3]

7. Austria reiterated comments made previously as relating to sections 64 and 65 of the Austrian Penal Code (see generally A/65/181; A/69/174, paras. 6 to 8; and A/70/125, paras. 6 to 9).

El Salvador[4]

8. El Salvador reiterated that universal jurisdiction is an essential instrument within the rule of law because its purpose is to prevent impunity for serious

[1] Table 1 contains a list of crimes contained in various codes, as mentioned in the comments by Governments.

[2] For previous comments submitted by Australia, see A/65/181, A/68/113 and A/71/111.

[3] For previous comments submitted by Austria, see A/65/181, A/69/174 and A/70/125.

[4] For previous comments submitted by El Salvador, see A/65/181, A/66/93, A/67/116 and A/69/174.

international crimes, including genocide, torture and war crimes condemned internationally (see A/66/93, paras. 19 and 54; and A/67/116, paras. 6 and 37).

Finland[5]

9. Finland reported that section 1(1) of the decree on the implementation of section 7 of chapter 1 (international crimes) of the Criminal Code had been amended to include the criminalization of counterfeiting currency, preparation for counterfeiting or the use of counterfeited currency, as referred to in the International Convention for the Suppression of Counterfeiting Currency, 1929. With respect to the same crimes in relation to the euro, where the decree on implementation had previously made reference to Council Framework Decision 2000/383/JHA, it was amended to refer to article 8 (2) of Directive 2014/62/EU of the European Parliament and the European Council, which had repealed Council Framework Decision 2000/383/JHA.

Germany[6]

10. Germany stated that the German Code of Crimes against International Law, which entered into force on 30 June 2002 (Federal Law Gazette I, p. 2254), made the gravest crimes against international law a criminal offence under German law, including genocide (section 6), crimes against humanity (section 7) and war crimes (sections 8 to 12) and, since 1 January 2017, the crime of aggression (section 13). The Code of Crimes only applies to criminal offences committed after this law entered into force. Criminal offences committed before 30 June 2002 are dealt with in accordance with prior legislation. The Public Prosecutor General of the Federal Court of Justice is responsible for prosecuting criminal offences under the Code of Crimes. Special permission is not required to instigate an investigation or a similar procedure.

11. According to the first sentence of section 1 of the Code of Crimes, the principal of unlimited universal jurisdiction applies to genocide (section 6), crimes against humanity (section 7) and war crimes (sections 8 to 12); the application of the Code to the crime of aggression (section 13), on the other hand, is only possible if the offence bears a concrete relation to Germany (section 1).

Senegal

12. Senegal noted that the principle of universal jurisdiction had been introduced into its law by Act No. 2007-05 of 12 February 2007 amending the Code of Criminal Procedure, concerning the implementation of the Rome Statute of the International Criminal Court. Pursuant to article 669 of the amended Code of Criminal Procedure, "any foreign national who, outside Senegalese territory, has been accused of committing or aiding in the commission of any of the crimes mentioned in articles 431-1 to 431-5 of the Criminal Code, an offence against the security of the State or forgery of the State seal or national currency, or of the acts referred to in articles 279-1 to 279-3 and 295-1 of the Criminal Code, may be prosecuted and tried under Senegalese law or laws applicable in Senegal if he or she is arrested in Senegal, if a victim resides in Senegalese territory or if the Government secures the alleged offender's extradition".

13. Senegalese lawmakers have not limited the exercise of universal jurisdiction to genocide, crimes against humanity and war crimes. Other crimes and offences (including offences against the security of the State, forgery of the State seal or

[5] For previous comments submitted by Finland, see A/65/181, A/67/116 and A/71/111.

[6] For previous comments submitted by Germany, see A/65/181.

national currency, acts of terrorism, attacks, plots and other crimes against the authority of the State or the integrity of the national territory, crimes likely to disrupt public order and acts of torture) may also give rise to the exercise of universal jurisdiction by the Senegalese courts.

14. While the new text of article 669 of the Code of Criminal Procedure was adopted to implement the Rome Statute, it has been strengthened by the accession of Senegal to a number of other international instruments concerning matters liable to warrant the application of universal jurisdiction. Pursuant to article 98 of the Senegalese Constitution, any international treaty ratified by Senegal constitutes an integral part of its domestic law and, consequently, is binding on the Senegalese authorities. There are therefore many instruments that could give rise to prosecutions under universal jurisdiction by the Senegalese courts.

Togo[7]

15. Togo reported that the new Criminal Code of November 2015 contains provisions that allow Togolese courts to exercise jurisdiction over certain serious crimes committed outside the country. In particular, article 155 states that "the provisions of this chapter shall apply to crimes committed within or outside the country, regardless of the nationality of the perpetrator or accomplice and of the place where the offence was committed". The crimes concerned are genocide, war crimes, crimes against humanity and apartheid. Togo noted that an effective reform of the Code of Criminal Procedure will ensure that this issue is taken into account in a comprehensive manner.

Ukraine

16. Ukraine reported that universal jurisdiction was enshrined in article 8 of the Criminal Code of Ukraine, under which foreign nationals or stateless persons not permanently residing in Ukraine may be held criminally liable under the Code, for offences as provided for by international treaties, or if they have committed grave or especially grave offences punishable under the Code against the rights and freedoms of Ukrainian citizens or the interests of Ukraine.

17. Such individuals shall also be criminally liable under the Code if they have committed outside Ukraine, in complicity with officials who are citizens of Ukraine, any of the offences provided for by articles 368 and 369 of the Code relating to the taking or giving of a bribe, or if they offered, promised or provided illegal benefit to such officials or accepted an offer or promise of undue advantage or received from them such benefit.

18. Additionally, Ukraine drew attention to the draft law on amendments to the Criminal Code and the Criminal Procedure Code to establish criminal responsibility for crimes against humanity, as stipulated under the Rome Statute.

2. Applicable international treaties

19. A list of the treaties referred to, on the basis of information received from Governments, is provided in table 3 below.

[7] For previous submission of Togo, see A/69/174.

3. Judicial and other practice

El Salvador[8]

20. El Salvador drew attention to Decision No. 44-2013/145-2013, of 13 July 2016, by which the Constitutional Chamber of El Salvador declared several articles of the General Amnesty (Consolidation of the Peace) Act, applicable in the country for crimes committed during the Salvadoran armed conflict from 1980 to 1992, to be unconstitutional. The Constitutional Chamber held that "[the] inapplicability of any statute of limitations to [crimes against humanity], which [are] recognized in international law, makes it possible to invoke universal jurisdiction to combat and end impunity, and to ensure justice, truth and full reparation for victims". El Salvador noted that the decision on unconstitutionality was of special importance because it recognized the obligation of the State to protect, respect and safeguard individuals and their fundamental rights and its duty to try those responsible for serious international crimes. El Salvador underlined that this was also an important precedent in the matter of the principle of universal jurisdiction because it expressly recognized universal jurisdiction as a legal concept applicable to serious international crimes and as a means to guarantee justice, truth and full reparations for victims.

Finland[9]

21. Finland reported that no new judgments relevant to this item had been delivered since the submission included in the 2016 report (see A/71/111, paras. 16 to 18). One case relating to war crimes and terrorism was pending in the district court of Tampere. One additional terrorist crime investigation had proceeded to the stage where the prosecutor was considering bringing charges. Three files relating to the suspected commission of terrorism and war crimes were in the preliminary investigation stage.

Germany

22. Germany provided information on a number of cases conducted under the requirements of its Code of Crimes against International Law. On 28 September 2015, the Higher Regional Court in Stuttgart convicted a 52-year-old Rwandan national, Dr. Ignace M., of leading a foreign terrorist organization, the Forces démocratiques de libération du Rwanda, and complicity in four war crimes as defined by the Code of Crimes. He was sentenced to 13 years' imprisonment. A 54-year-old Rwandan national, Straton M., was also convicted of leading the Forces démocratiques de libération du Rwanda and sentenced to eight years' imprisonment. These convictions are not yet final.

23. On 12 July 2016, the Higher Regional Court in Frankfurt am Main convicted a 21-year-old, Aria L., of a war crime against persons as defined by section 8 subsection (1) No. 9 of the Code of Crimes in connection with the civil war in Syria and sentenced him to two years' imprisonment. The court found that the accused had travelled to Syria in the second quarter of 2014. He stayed there for at least three weeks with an acquaintance, Vedat V., who had been engaged as a "religious fighter" in the civil war in Syria against the Syrian army since 2012. One day, sometime between 8 March and 16 April 2014, Vedat V.'s group attacked a Syrian army checkpoint near the Syrian city of Idlib and captured an officer and an ordinary soldier. Both were murdered and decapitated. The fighters put the severed heads on metal poles. The heads were then put on display to the public. The accused

[8] For previous comments submitted by El Salvador, see A/69/174.

[9] For previous comments submitted by Finland, see A/65/181, A/67/116 and A/71/111.

posed next to the severed heads and had himself photographed three times with the intent of ridiculing the deceased and denying them any dignity in death. The conviction is not yet final.

24. A similar case came before the Berlin Higher Regional Court. It was originally dealt with by the Federal Public Prosecutor General and was then passed on the General Prosecutor's Office in Berlin in the fourth quarter of 2016. Following the liberation of the Iraqi city of Tikrit from a terrorist organization, the Islamic State in Iraq and the Levant, in the second quarter of 2015, a former officer of the Iraqi army, who had applied for asylum in Germany, had posed for photographs in which he triumphantly held up the severed heads of two fighters of the Islamic State in Iraq and the Levant. He saved the images on his tablet. On 1 March 2017, he was convicted of war crimes against persons and sentenced to one year and eight months' imprisonment commuted to a suspended sentence. The conviction is not yet final.

25. In another case before the Higher Regional Court in Frankfurt am Main, a 30-year-old German national, Abdelkarim El B., was convicted on 8 November 2016 of war crimes against persons, membership in the Islamic State in Iraq and the Levant, and violation of the War Weapons Control Act. He was sentenced to eight years and six months' imprisonment. The court considered it proven that the accused had travelled to Syria in September 2013 to join that organization in Syria and took part on many occasions in the fighting; to that end, several assault weapons had been placed at his disposal. On 7 November, the unit of which the accused was a member pushed forward into a position abandoned by enemy fighters near the Syrian city of Aleppo, where they found the corpse of a government soldier. They desecrated the deceased by cutting off his nose and both ears while insulting and cursing him, kicked his maimed face and ended by shooting him in the head. The accused took part in these acts and filmed the incident with his mobile telephone over the course of several minutes. The conviction is not yet final.

26. Moreover, the trial against a Syrian national, Suliman Al-S., was underway before the Higher Regional Court in Stuttgart at the time of the submission. The 25-year-old was accused of taking part in the abduction of a Canadian United Nations employee as a member of a terrorist organization, Jabhat Fath al-Sham, and thus violating section 10 (1) No. 1 of the Code of Crimes. Furthermore, the trial of a 42-year-old Syrian national, Ibrahim Al-F., was expected to commence before the Higher Regional Court in Düsseldorf in May 2017. Among other things, he was accused of war crimes against persons as defined in section 8 of the Code of Crimes. In particular, he was accused of arresting several persons arbitrarily over the course of a number of months while leading a district militia in Aleppo; locking them up in makeshift prisons; and torturing them in order to extract ransoms. At least one person was said to have died as a result of the torture.

Senegal

27. Senegal reported on the prosecution, conviction and sentencing of the former president of Chad, Hissène Habré, on the basis of universal jurisdiction. On 30 May 2016, Hissène Habré was found guilty of crimes against humanity, war crimes and crimes of torture, including rape, and was sentenced to life imprisonment by the Extraordinary African Chambers.

28. On 29 July 2016, the judges of the Extraordinary African Chamber in Senegal ruled on the civil claims in the proceedings brought against Hissène Habré. The judges awarded compensation to victims of rape and arbitrary detention, persons who had survived imprisonment and indirect victims. They sentenced Hissène Habré to pay each victim, in accordance with the category to which the victim belonged, a

sum of between 15,000 and 30,000 euros. The judges rejected the claim for collective reparations. The application for the Chadian Government to be held liable was found inadmissible. Senegal reported that the sources of funding for the victim compensation fund include one of Hissène Habré's residences, located in Dakar. Voluntary contributions to the fund were also sought from States, international organizations and other donors wishing to contribute to the payment of compensation to the victims. The judges also ordered the provision of 10 per cent of the total amount and reaffirmed the validity of the pre-judgment attachment of Hissène Habré's assets.

Togo

29. Under its new Criminal Code, Togolese courts have jurisdiction over genocide, war crimes, crimes against humanity and apartheid, regardless of the place where the crimes were committed and of the nationality of the perpetrator, accomplice or victim. At the time of the submission, no cases had yet been brought before a Togolese court on the basis of the principle. Togo underlined that the capacities of its courts must nevertheless be strengthened to allow them to play their appropriate roles. Togo indicated that the principle of universal jurisdiction should be expanded to cover torture in order to be consistent with the rest of its laws. Togo noted that, the application of the principle of universal jurisdiction should be organized and circumscribed through the ongoing reform of the Code of Criminal Procedure.

B. Conditions, restrictions or limitations to the exercise of jurisdiction

Constitutional and domestic legal framework

Germany

30. According to section 12 (1) of the German Criminal Code, crimes are unlawful acts punishable by a minimum sentence of one year's imprisonment. That means that these unlawful acts are always subject to German criminal law, regardless of where they were committed or the nationality of the perpetrator. However, the general applicability of German criminal law does not automatically legitimize the universal prosecution of an offence, especially when the suspect was not a German national or the crime was not committed against a German national. Section 153 *et seq.* of the Code of Criminal Procedure provides for finely graduated limits on prosecution in a number of different circumstances. Germany stated that primary responsibility to prosecute lay with those States possessing territorial jurisdiction; active or passive personality jurisdiction; and a competent international court. This is justified by the special interest of the State of nationality of the perpetrator and of the victim in the criminal prosecution and the greater proximity of the above-mentioned States or courts to the evidence.

31. There are no legal restrictions resulting from the absence of the accused from German territory; this applies in particular to cases in which a German national is suspected of having committed a crime or a crime has been committed against a German national.

Senegal

32. Senegal noted that Act No. 2007-05 of 12 February 2007 amending the Code of Criminal Procedure clearly stated that the exercise of universal jurisdiction was limited to situations where the alleged perpetrator was present in or a victim resided in Senegalese territory.

III. Scope and application of universal jurisdiction: comments by observers

Council of Europe

33. The Council of Europe reiterated its previous comments (see A/66/93, para. 110; A/68/113, para. 34; and A/69/174, para. 47) under which none of its conventions foresees the establishment of "universal" criminal jurisdiction, indicating nonetheless that 12 such conventions contain provisions calling upon States to ensure that their internal law establishes jurisdiction of their criminal courts to judge relevant offences.[10] The Council of Europe conventions did not limit the possibility for the internal law of States Parties to establish types of jurisdiction other than the ones contemplated in the conventions.[11] Without prejudice to the general rules of international law, the Council of Europe conventions do therefore not exclude a State Party from making use of the concept of universal jurisdiction under domestic law.

34. The Council of Europe further reiterated its submission relating to the adoption, by the Committee of Ministers, of a reply to recommendation 1953 (2011) of the Parliamentary Assembly of the Council of Europe, entitled "The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes", which makes reference to the issue of "universal jurisdiction" (see A/68/113, para. 34).

35. On the case law of the European Court of Human Rights, the Council of Europe reiterated its comments on the cases of *Jorgic v. Germany*[12] and *Ould Dah v. France*,[13] respectively.

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[10] European Convention on the Transfer of Proceedings in Criminal Matters (European Treaty Series (ETS) No. 73), part II; European Convention on the Suppression of Terrorism (ETS No. 90), art. 6.1; Convention on the Protection of Environment through Criminal Law (ETS No. 172), arts. 5.1 and 5.2; Criminal Law Convention on Corruption (ETS No. 173), art. 17.1; Convention on Cybercrime (ETS No. 185), art. 22.1; Council of Europe Convention on the Prevention of Terrorism (Council of Europe Treaty Series (CETS) No. 196), arts. 14.1 and 14.2; Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), arts. 31.1 and 31.2; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), arts. 25.1 to 25.6; Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), arts. 44.1 to 44.4; Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211), arts. 10.1 and 10.2; Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215), arts. 19.1 and 19.3; and Council of Europe Convention against Trafficking in Human Organs (CETS No. 216), arts. 10.1 and 10.2.

[11] ETS No. 73, art. 5; ETS No. 90, art. 6.2; ETS No. 172, art. 5.3; ETS No. 173, art. 17.4; ETS No. 185, art. 22.4; CETS No. 196, art. 14.4; CETS No. 197, art. 31.5; CETS No. 201, art. 25.9; CETS No. 210, art. 44.7; CETS No. 211, art. 10.6.; CETS No. 215 art. 19.5; CETS No. 216 art. 10.8. The explanatory reports of the Council of Europe conventions that contain provisions of this nature, but also those of other conventions, provide additional information in this respect and at times include direct references to the concept of "universal jurisdiction". See, for example, the explanatory reports on ETS No. 172 (with regard to art. 5.3) and ETS No. 173 (see para. 83).

[12] European Court of Human Rights, *Jorgic v. Germany*, No. 74613/01, judgment of 12 July 2007, paras. 7, 8, 55 and 64-72. For the Council of Europe's previous comments in relation to this case, see A/68/113, para. 35, and A/69/174, para. 51.

[13] European Court of Human Rights, *Ould Dah v. France*, No. 13113/03, decision on admissibility of 17 March 2009. For the Council of Europe's previous comments in relation to this case, see A/66/93, para. 112, and A/69/174, para. 51.

36. Moreover, in the Chamber judgment in the case of *Nait-Liman v. Switzerland*,[14] the Court held that the decision of the Swiss courts to decline universal jurisdiction with regard to claims for compensation in respect of the non-pecuniary damage caused by alleged torture of the applicant in Tunisia did not violate the applicant's right of access to a court under article 6-1 of the European Convention of Human Rights. The case was referred to the Grand Chamber on 28 November 2016.

37. The Court held in *Rantsev v. Russian Federation and Cyprus*[15] that the obligation to conduct an effective investigation into violations of the right to life protected under article 2 of the European Convention on Human Rights does not require member States' criminal laws to provide for universal jurisdiction in cases involving the death of one of their nationals.

38. Furthermore, in the case of *J. and Others v. Austria*, the Court found that the prohibition of slavery and forced labour, as protected under article 4 of the European Convention on Human Rights, under its procedural limb, does not require States to provide for universal jurisdiction over trafficking offences committed abroad.[16]

International Committee of the Red Cross

39. The International Committee of the Red Cross (ICRC) reiterated its comments on several aspects of universal jurisdiction in international humanitarian law, as set out in previous documents (A/66/93, A/68/113, A/69/174, A/70/125 and A/71/111).

40. The Committee noted that its identification of States that had established some form of universal jurisdiction over serious violations of international humanitarian law in their national legal frameworks had reached more than 110 States, and further noted that investigations and prosecutions on the basis of universal jurisdiction have increased, including prosecutions for serious violations of international humanitarian law committed in international and non-international armed conflicts, without there being any link between the crime and the prosecuting State.

41. The Committee highlighted additional initiatives undertaken to address the issues of preventing and punishing serious violations of international humanitarian law and establishing universal jurisdiction over them. For instance, the Committee (along with other partners) coordinated the Fourth Universal Meeting of National Committees on International Humanitarian Law, which was held in Geneva in November 2016. The event brought together over 280 participants representing 133 countries, over 100 national committees on international humanitarian law, national Red Cross and Red Crescent societies, numerous international organizations and individual experts. With a view to strengthening respect for and implementation of international humanitarian law, the theme of the meeting was "Enhancing protection in armed conflict through domestic law and policy".

42. As noted in previous reports of the Secretary-General, ICRC is in the process of updating its commentaries on the 1949 Geneva Conventions and their Additional Protocols.[17] The updated commentary on the First Geneva Convention of 1949 was

[14] European Court of Human Rights, *Nait-Liman v. Switzerland*, No. 51357/07, judgment of 21 June 2016, para. 121.

[15] European Court of Human Rights, *Rantsev v. Russian Federation and Cyprus*, No. 25965/04, judgment of 7 January 2010, para. 244.

[16] European Court of Human Rights, *J and Others v. Austria*, No. 58216/12, judgment of 17 January 2017, para. 114.

[17] See, for example, A/70/125 and A/71/111.

launched on 22 March 2016, and the commentary on the Second Geneva Convention was published online on 4 May 2017.

United Nations Environment Programme

43. The United Nations Environment Programme (UNEP) stated that universal jurisdiction can play a significant role in bridging the gaps in the enforcement of international environmental law. UNEP highlighted forms of environment-related crimes, including corporate crime in the forestry sector, illegal exploitation and sale of gold and minerals, illegal fisheries/fishing, trafficking in hazardous waste and chemicals and threat finance using wealth generated illegally from natural resources to support non-State armed groups and terrorism. UNEP also underlined the negative effects of such crimes on the environment, future generations, Governments and legal businesses.

44. UNEP further noted the rising number of environment-related crimes linked to transnational organized crime, to terrorist groups and to other non-State armed groups. UNEP indicated that the international community was still far behind in combating the rising role of environment-associated crimes for threat finance in conflict and with respect to development and environmental security. UNEP underlined that the need to strengthen the rule of law for the environment at all levels should include evaluating the scope and application of universal jurisdiction in the area of environment-related crime.

45. UNEP drew attention to several United Nations organs and organizations that had made specific efforts to strengthen environmental rule of law at the global, regional and national levels. These included: the General Assembly, for instance, through its resolution 68/193, in which it emphasized the significance of coordinated action to eliminate corruption and disrupt the illicit networks that drive and enable trafficking in wildlife, timber and timber products, harvested in contravention of national laws; the Economic and Social Council, through its resolution 2013/40 on crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora, in which it encouraged Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime; the Commission on Crime Prevention and Criminal Justice, through its resolution 23/1, in which it also encouraged Member States to make illicit trafficking in forest products, including timber, involving organized criminal groups a serious crime, and further called for a strengthened and targeted crime prevention and criminal justice response to combat illicit trafficking in forest products, including timber; the Commission on Crime Prevention and Criminal Justice at its twenty-second session, at which it encouraged the integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice to deal effectively with the challenge posed by emerging crimes that have a significant impact on the environment; the Governing Council of the United Nations Environment Programme, through its decision 27/9, in which it called for the development and implementation of the environmental rule of law to prevent and reduce environmental degradation; and the United Nations Environmental Assembly, through resolution 2/14, in which it noted with concern that crimes that have a significant impact on the environment are increasingly committed by transnational organized criminal groups, and consequently called for ascertaining and documenting the current status of knowledge of crimes that have serious impacts on the environment.

46. UNEP noted that, for greater effect and outcomes, these efforts could be supplemented by the application of universal jurisdiction in order to enhance the enforcement and adjudication capacities in the area of environment-related crime.

UNEP drew attention to recent efforts by the Office of the Prosecutor of the International Criminal Court in its policy paper on case selection and prioritization as providing an encouraging avenue. In the policy paper, the Office of the Prosecutor sought to cooperate and provide assistance to States, upon request, with respect to conduct that constitutes a serious crime under national law, such as the illegal exploitation of natural resources, arms trafficking, human trafficking, terrorism, financial crimes, land grabbing and the destruction of the environment.

IV. Nature of the issue for discussion: specific comments by States

Australia[18]

47. Australia reiterated its comments previously submitted on the scope and application of the principle of universal jurisdiction.

Togo

48. Togo highlighted that the international community has recognized that the most serious crimes that threaten the peace, security and well-being of the world must not go unpunished and that their effective prosecution must be ensured by taking measures under national and international law. One such measure is the application of the principle of universal jurisdiction.

49. For Togo, in general, the courts that are competent to hear criminal cases are those of the place where the crime was committed (territorial jurisdiction) or of the country of which the perpetrator or victim is a national (active or passive personality jurisdiction). By contrast, universal jurisdiction allows the courts of any country in the world to prosecute and try the perpetrators of the most serious international crimes, regardless of where the crimes were committed and of the nationality of the perpetrator or victim. Togo stated that this applied to genocide, war crimes, crimes against humanity and torture. Universal jurisdiction is based on the principle that these horrific crimes affect the international community as a whole. Togo reported that, consequently, each State has a duty and, in some cases, an obligation to prosecute the perpetrators of such crimes, just as victims have the right to obtain justice anywhere in the world.

50. Togo stressed that the principle is useful, and indeed necessary, for preventing impunity for serious crimes when the suspect had fled to hide in another State in order to escape justice in his or her own country, or when the crimes in question were perpetrated in particularly unstable regions where people do not enjoy adequate legal protection. As Togo considered such people citizens of the world, this principle grants any State claiming jurisdiction the power to adjudicate international crimes.

51. However, Togo furthered noted that, in order to minimize the risk of interference in the internal affairs of a State, the conditions for the exercise of such jurisdiction must be strictly specified in order to preserve the sovereignty, integrity and political independence of each State.

[18] For previous comments submitted by Australia, see A/65/181, A/68/113 and A/71/111.

Table 1
List of crimes mentioned in the comments by Governments concerning which universal jurisdiction (including other bases of jurisdiction) is established by their codes

Crime	*State*
Crimes against the security of the State, attacks, plots and other crimes against the authority of the State or the integrity of the national territory, crimes likely to disrupt public order	Senegal
Apartheid	Togo
Extortive abduction, slave trade, slavery	Australia
Piracy	Australia
Terrorism-related acts	Senegal
Counterfeiting of foreign currency	Finland, Senegal
Genocide	Australia, Austria, El Salvador, Germany, Senegal, Togo
Crimes against humanity	Australia, Austria, El Salvador, Germany, Senegal, Togo, Ukraine
War crimes	Australia, Austria, El Salvador, Germany, Senegal, Togo
Aggression	Austria, Germany
Torture (and other cruel, inhuman or degrading treatment or punishment)	Australia, El Salvador, Senegal

Table 2
Specific legislation relevant to the subject, based on information submitted by Governments

Category	*Legislation*	*Country*
Aggression	Section 64 (1) (4c) and section 321k of the Penal Code	Austria
	Section 13 of the Code of Crimes against International Law	Germany
Slavery, slave trade or traffic in slaves	Division 270 of the Criminal Code	Australia
	Section 64 of the Penal Code	Austria
Genocide	Division 268 of the Criminal Code	Australia
	Section 6 of the Code of Crimes against International Law	Germany
	Section 64 (1) (4c) and section 321 of the Penal Code	Austria

Category	*Legislation*	*Country*
Crimes against humanity	Division 268 of the Criminal Code	Australia
	Section 7 of the Code of Crimes against International Law	Germany
	Section 64 (1) (4c) and section 321a of the Penal Code	Austria
	Article 438 of the Criminal Code	Ukraine
War crimes	Division 268 of the Criminal Code	Australia
	Sections 8 to 12 of the Code of Crimes against International Law	Germany
	Section 64 (1) (4c) and sections 321b to 321f of the Penal Code	Austria
Torture	Division 274 of the Criminal Code	Australia
	Section 64 of the Penal Code	Austria
Piracy (and other acts of violence at sea and air)	Part IV of the Crimes Act 1914	Australia
	Crimes (Ships and Fixed Platforms) Act 1992	
	Section 64 of the Penal Code	Austria
Human trafficking	Section 64 of the Penal Code	Austria
Terrorism	Section 64 of the Penal Code	Austria
Trafficking in toxic, narcotic or psychotropic substances	Section 64 of the Penal Code	Austria
Transnational organized crime	Section 64 of the Penal Code	Austria
Sexual crimes	Section 64 of the Penal Code	Austria
Counterfeiting of currency	Section 1(1) of the decree on the implementation of section 7 of chapter 1 of the Criminal Code	Finland

Table 3
Relevant treaties that were referred to by Governments, including treaties containing *aut dedere aut judicare* provisions

Universal instruments

International criminal law	Rome Statute of the International Criminal Court, 1998	Australia, Austria, Senegal, Ukraine
International humanitarian law	Geneva Conventions of 1949 and the Additional Protocols thereto	Senegal, Togo

Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Senegal, Togo
Genocide	Convention on the Prevention and Punishment of the Crime of Genocide, 1948	Senegal
Enforced disappearance	International Convention for the Protection of All Persons from Enforced Disappearance, 2006	Senegal, Togo
Attacks against civil aviation and maritime traffic	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988	Australia
	2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	Australia